



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Denmark
<b>Title:</b>	Board of Equal Treatment on school regulations prohibiting the exercise of religious rituals
<b>Date:</b>	16 June 2017
<b>Expert:</b>	Pia Justesen
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Does it constitute discrimination that a vocational school has prohibited the exercise of religious rituals at the school?
<b>Ground of discrimination:</b>	Religion
<b>Source:</b>	Board of Equal Treatment, unpublished decision delivered on 27 April 2017
<b>Field:</b>	Employment (Vocational training)
<b>Applicable law:</b>	Section 1(3) and 3(2) of the Act on Prohibition of Discrimination in the Labour Market etc.

### **Content**

**Case:** The complainant was a student at a vocational school. She argued that the regulations of the school prohibiting the exercise of religious rituals constituted discrimination based on religion. The student was a Muslim. At the time of the introduction of the new regulations, she was exercising religious rituals at the school.

The school argued that it had been a consequence of students exercising their prayer at the school that unrest, conflicts, and insecurity had occurred. On that background, the school had adopted the new regulations to secure respect and tolerance of students, including of their different religious beliefs.

**The decision of the Board:** The Board stated that only the complainant and students who were also Muslims were exercising religious rituals at the school when the new regulations were introduced. On that basis, the Board found that the enforcement of the new regulations in particular affected Muslim students. The Board thus concluded that the complainant had established facts that possible indirect discrimination because of religion had taken place.

The Board then argued that the regulations were objectively justified by a legitimate aim, which was to secure a safe learning environment taking into consideration the diversity of the students and teachers. It was furthermore the opinion of the Board that the means (the prohibition of exercising religious rituals) of achieving that aim was appropriate. The aim was to re-establish peace and safety at the school.

The final question for the Board was to evaluate whether the means of achieving that aim were necessary. The members of the Board did not agree on this issue.

The majority of Board members (four out of the five Board members) argued that before the new regulations there had been episodes where the complainant and other Muslim students had performed prayers in classrooms and in the entrance hall of the school in such a way that it had been an inconvenience to the teachers and the other students. The majority also argued that these episodes had given rise to unrest, conflicts, and insecurity. On that basis, the majority of the Board concluded that the prohibition had been necessary and thus that indirect discrimination because of religion had not taken place.

One Board member argued that the school had failed to consider other less intrusive measures to secure the necessary peace and safety at school. On that background, the minority concluded that the prohibition was not necessary and that the complainant had been indirectly discriminated because of her religion.

The majority of the Board decided the case and the decision was not in favour of the complainant.

**Key points of analysis:** The case illustrates that vocational schools according to the Board of Equal Treatment are not obliged to assign student facilities for prayer and other religious rituals.

**Internet link source:** The decision has still not been made public. The above information on the case has been described in a press release from the Board:

<https://ast.dk/naevn/ligebehandlingsnaevnet/nyheder-fra-ligebehandlingsnaevnet/lbn/nyheder-2017/en-erhvervsskole-har-indfort-ordensregler-der-indeholder-et-forbud-mod-udovelse-af-religiose-ritualer-pa-skolen>.